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C O N F I D E N T I A L BEIRUT 001204

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NSC FOR ABRAMS/DORAN/WERNER/SINGH

E.O. 12958: DECL: 04/18/2016

TAGS: [KDEM](#) [LE](#) [PHUM](#) [PREL](#)

SUBJECT: MGLE01: FREEDOM OF EXPRESSION CASE DISMISSED BY
MILITARY TRIBUNAL

REF: BEIRUT 01106

Classified By: Charge Christopher W. Murray. Reason: Section 1.4 (b).

¶1. (U) In an unexpected development, the slander case against human rights activist Mohammad Muqraby was dismissed by Lebanon's appellate-level Military Court of Cassation on April 15, two days before the case was scheduled to be heard by the country's Military Tribunal. This decision, in effect, closes the file and no further action against Mr. Muqraby is anticipated.

¶2. (U) The case against Mohammad Muqraby dates back to testimony he gave before the Foreign Affairs Committee of the European Union Parliament on November 4, 2003. In his statement to the committee, Mr. Muqraby described the poor human rights record of Lebanon's judiciary, particularly in its military justice system, as well as the poor conditions in the country's prison system. Under laws passed while Lebanon was under the control of the Syrian regime, the Office of Military Justice brought charges against Mr. Muqraby in June 2005 that accused him of "slandering the reputation of Lebanon's military institutions and its officers." Following an extended period of legal maneuvering, the trial was scheduled to be held on April 17, ¶2005.

¶3. (C) In early April, Embassy Beirut made it known to the Attorney General of the Office of Military Justice, as well as at appropriate levels in the Ministry of Justice, that we viewed this case with serious concern, due to its apparent violation of the basic human right of freedom of expression, and we would closely monitor its progress.

¶4. (C) According to the Attorney General, the government also was uncomfortable with this legacy of the previous government and was trying to find a satisfactory way to dismiss it. The Attorney General, Jean Fahed, maintained however that Mr. Muqraby would not cooperate with his office and seemed intent on having his day in court. Fahed did give the Embassy permission to send observers to what would normally be a closed proceeding.

¶5. (C) The appellate-level Military Court of Cassation met in an unanticipated session on April 15 and ruled that the Military Tribunal did not possess jurisdiction and dismissed the case without prejudice. Interestingly, the appellate court also noted in its decision that, "...Muqraby's original testimony in November 2003 was merely general criticism...and did not show an intention to slander the military." The Office of Military Justice notified the Embassy immediately following the appellate decision and stated the government has no further issues with Mr. Muqraby.

¶16. (U) Mr. Mugraby held a news conference on April 17 at which he thanked his supporters and said he would continue to work for the full implementation of freedom of expression in Lebanon, as defined by the UN Declaration of Human Rights. One of his chief supporters, British MP Julian Brazier, stated that Lebanon had "passed an important test in the eyes of the world...(regarding) freedom of speech, respect for democratic institutions and ...whether the Lebanese army would restrict its activities to its proper sphere."

COMMENT

¶17. (C) It is not known with certainty what persuaded the Office of Military Justice to take this unanticipated action.

The case was beginning to generate interest both in Lebanon and with human rights NGOs, but it was also apparent from discussions with the Attorney General that he realized the government had made a serious error and was trying to correct it.

¶18. (C) Despite the favorable outcome for Mr. Mugraby, there still remains the important issue that Lebanon's legal code contains numerous statutes from the Syrian era that fall far short of the standards expected of a democracy. Embassy Beirut will continue to engage with both the Siniora government and Lebanon's parliament to encourage review and cancellation of those laws that violate those standards in order that the country continue its transition to full democracy. End comment.

MURRAY